

SENATE BILL REPORT

ESSB 5293

As Passed Senate, March 1, 2017

Title: An act relating to court-based and school-based efforts to promote attendance and reduce truancy.

Brief Description: Concerning court-based and school-based efforts to promote attendance and reduce truancy.

Sponsors: Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Darneille and Chase).

Brief History:

Committee Activity: Human Services, Mental Health & Housing: 1/30/17, 2/14/17 [DPS, DNP].

Floor Activity:

Passed Senate: 3/01/17, 34-15.

Brief Summary of Engrossed First Substitute Bill

- Allows a school to use an alternative assessment instrument to the Washington Assessment of Risks and Needs of Students to assess student needs.
- Allows a community truancy board to include members trained in specified areas, instead of training every member.
- Removes court authority to place a child in a HOPE Center or crisis residential center at an initial truancy hearing.
- Requires a juvenile court to use a less restrictive alternative to detention when a juvenile fails to comply with a truancy order and to only use detention after other measures have been tried and failed and there is no less restrictive alternative available. The school district must report each instance of imposition of detention and the reasons therefore to the Office of the Superintendent of Public Instruction as part of its annual truancy report.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: That Substitute Senate Bill No. 5293 be substituted therefor, and the substitute bill do pass.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle, Hunt and Walsh.

Minority Report: Do not pass.

Signed by Senator Padden.

Staff: Kevin Black (786-7747)

Background: Children aged 8-17 are required to attend public school unless an exception applies allowing for the child to attend private school, receive home-based instruction, or other circumstances. Public schools are required to take steps to reduce truancy. Legally mandated steps include:

- informing parents by telephone or written notice after one unexcused absence;
- scheduling a conference with the parent and child after two unexcused absences within a month;
- entering an agreement with the student and parent concerning school attendance not later than the fifth unexcused absence; and
- filing a truancy petition with juvenile court not later than the seventh unexcused absence within a month or tenth unexcused absence in a year.

A truancy petition must be initially stayed by the juvenile court. The child and parent must be referred to a community truancy board (CTB). A CTB is a board composed of members of the local community in which a child attends school. A CTB is established pursuant to a memorandum of understanding between the juvenile court and a school district. All members of a CTB must receive training in the following areas: identification of barriers to school attendance, the use of the Washington Assessment of Risks and Needs of Students (WARNS) or other assessment tools to identify child needs, trauma-informed approaches to discipline, evidence-based treatments effective in supporting at-risk youth and their families, and specific services and treatment available in the area and elsewhere. The duties of a CTB include identifying barriers to school attendance, recommending methods to improve attendance, suggesting alternative schools or education programs, and recommending referrals to HOPE Centers or crisis residential centers (CRCs). All school districts with at least 200 students must have a CTB by the start of the 2017-2018 school year. Smaller districts may use other coordinated means of intervention described in a memorandum of understanding with juvenile court.

The WARNS is an assessment tool designed by researchers at Washington State University to identify youths at risk of truancy, delinquency, and dropping out of school. It is designed for use by high school and middle school students. A school district's obligation to take data-informed steps to reduce a child's absences includes application of the WARNS.

A CRC is a short-term, semi-secure or secure facility for runaway youth and adolescents in conflict with their families. Counselors at CRCs work with the family to resolve the immediate conflict and develop better ways of dealing with conflict in the future. A HOPE Center provides temporary residential placement and other services for street youth. Youths may self-refer to a HOPE Center for services. HOPE Centers are not secure facilities.

Summary of Engrossed First Substitute Bill: A public school may use an assessment tool such as the WARNS to fulfill its obligation to take data-informed steps to reduce a child's unexcused absences, instead of the WARNS. The use of an assessment tool must take place at some point after the second and no later than the fifth unexcused absence in a month or tenth unexcused absence in a year. For any child with an existing individual education plan (IEP) or 504 plan, steps to reduce absences must include the convening of the team to consider the reasons for the absences. If a child who is reasonably believed to have a mental or physical disability or impairment does not have an IEP or 504 plan, the parent must be informed of the right to request a plan.

A CTB must include members who receive training in required areas, but not all members need to be trained in these areas. The list of required training areas is expanded to include culturally responsive interactions. A CTB may recommend to juvenile court that a juvenile be offered the opportunity for placement in a HOPE center or CRC.

A juvenile court's authority to place a child in a CRC or HOPE bed at an initial truancy petition hearing is removed. If a child fails to comply with a truancy order from juvenile court, the court may impose community restitution, nonresidential programs with intensive wraparound services, or other services or interventions that the court deems appropriate. If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention.

A school district must include as a part of its annual truancy report to OSPI information describing each instance of imposition of detention for failure to comply with a court order relating to truancy laws with a statement of the reasons for each instance of detention.

School districts must identify their designated person to coordinate truancy efforts to OSPI. School districts must use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program. A 1996 statute allowing the Superintendent of Public Instruction to allocate funds for CTBs is repealed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill cleans up some unintended consequences from last year's truancy bill which which have proven difficult for the courts or school districts. Stakeholders have been very engaged in this process and have vetted the recommendations. We support the clarifications to last year's bill. There is no person funded at OSPI to receive Becca reports. The WARNS should not be mandated for elementary

students. It would be expensive to train all CTB members in all tasks and deter community members from volunteering to serve on these boards.

OTHER: Youth advocates have identified a goal of ending detention for status offenses. Schools can reduce the use of secure detention by expanding the use of CTBs. Please amend language so that kids are referred to HOPE beds, not placed there by the court, so that the beds are not used punitively. These programs must remain voluntary as they are a critical part of the continuum of family and homeless youth services. Recommendations released by the Becca Task Force in 2011 focus on early intervention, the use of evidence-based and research-based interventions, and the use of detention as a last resort. We appreciate flexibility in the use of assessments such as the WARNS. Funding is needed to adequately train and support CTB members. Use of the WARNS should be discretionary. We support training on culturally responsive interactions. Some school districts have not heard from their courts. Please create an impetus for the courts, especially in rural counties, to come to the table. Please expand the threshold for smaller school districts who are permitted form a consortium to address truancy issues from 250 students to 1000 students.

Persons Testifying: PRO: Senator Jeannie Darneille, Prime Sponsor; Laurie Shannon, OSPI.

OTHER: Liz Trautman, The Mockingbird Society; Kimberly Ong, WA State Becca Task Force; Jessica Vavrus, WA State School Directors Assn.

Persons Signed In To Testify But Not Testifying: No one.